

SENATE BILL No. 219

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-38-5; IC 20-34-4-2.

Synopsis: Immunization registry and pertussis booster. Includes a physician's designee and a pharmacist's designee as persons who may provide immunization data to the immunization data registry. Adds a provider's designee and a child placing agency as persons to whom the state department of health may release information from the immunization data registry. Requires a child to receive a pertussis immunization booster before the child is 12 years of age.

Effective: July 1, 2009.

Miller

January 7, 2009, read first time and referred to Committee on Health and Provider Services.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 219

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-38-5-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A provider, a
3 **physician's designee, or a pharmacist's designee** may provide
4 immunization data to the immunization data registry in a manner
5 prescribed by the state department and for the purposes allowed under
6 this chapter unless:
7 (1) the patient; or
8 (2) the patient's parent or guardian, if the patient is less than
9 eighteen (18) years of age;
10 has completed and filed with the provider, **physician's designee, or**
11 **pharmacist's designee** a written immunization data exemption form.
12 (b) The state department shall create and provide copies of
13 immunization data exemption forms to:
14 (1) providers who are:
15 (A) licensed under IC 25; and
16 (B) authorized within the provider's scope of practice to
17 administer immunizations; and

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(2) individuals;
who request the form.

(c) The state department shall distribute to providers, upon request, written information to be disseminated to patients that describes the immunization data registry. The written information must include the following:

(1) That the provider may report immunization data to the immunization data registry.

(2) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, has a right to exempt disclosure of immunization data to the registry and may prevent disclosure by signing an immunization data exemption form.

(3) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, may have the individual's information removed from the immunization data registry.

(4) Instructions on how to have the information removed.

SECTION 2. IC 16-38-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Records maintained as part of the immunization data registry are confidential.

(b) The state department may release an individual's confidential information to the individual or to the individual's parent or guardian if the individual is less than eighteen (18) years of age.

(c) Subject to subsection (d), the state department may release information in the immunization data registry concerning an individual to the following entities:

(1) The immunization data registry of another state.

(2) A provider **or a provider's designee.**

(3) A local health department.

(4) An elementary or secondary school that is attended by the individual.

(5) A child care center that is licensed under IC 12-17.2-4 in which the individual is enrolled.

(6) The office of Medicaid policy and planning or a contractor of the office of Medicaid policy and planning.

(7) A child placing agency licensed under IC 31-27.

(d) Before immunization data may be released to an entity, the entity must enter into an agreement with the state department that provides that information that identifies a patient will not be released to any other person without the written consent of the patient.

(e) The state department may release summary statistics regarding

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information in the immunization data registry if the summary statistics do not reveal the identity of an individual.

SECTION 3. IC 20-34-4-2, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Every child residing in Indiana shall be immunized against:

- (1) diphtheria;
- (2) pertussis (whooping cough);
- (3) tetanus;
- (4) measles;
- (5) rubella;
- (6) poliomyelitis; and
- (7) mumps.

(b) Every child residing in Indiana who enters kindergarten or grade 1 shall be immunized against hepatitis B and chicken pox.

(c) Every child residing in Indiana shall receive a pertussis (whooping cough) immunization booster before the child is twelve (12) years of age.

~~(c)~~ (d) The state department of health may expand or otherwise modify the list of communicable diseases that require documentation of immunity as medical information becomes available that would warrant the expansion or modification in the interest of public health.

~~(d)~~ (e) The state department of health shall adopt rules under IC 4-22-2 specifying the:

- (1) required immunizations;
- (2) child's age for administering each vaccine;
- (3) adequately immunizing doses; and
- (4) method of documentation of proof of immunity.

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